IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORTION	§	
Plaintiff/Counter-Defendant	§	
	§	
vs.	§	No. 2:06cv72 (DF)
	§	Jury Trial Demanded
WELLS FARGO & COMPANY; et al	§	
Defendants/Counter-Plaintiff	§	

DATATREASURY'S ANSWER TO FIRST-CITIZENS BANK & TRUST COMPANY'S COUNTERCLAIM

Plaintiff/Counter-Defendant DataTreasury Corporation hereby files its Answer to First-Citizens Bank & Trust Company ("First Citizens") Counterclaim and in support thereof, states as follows:

1. In paragraph 1 of Defendants' Counterclaim, First Citizens has incorporated Paragraphs 94 through 100 which are affirmative defenses by Defendant First Citizens, for which Defendant has the burden of proof and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 94 through 100 as denied.

2. Plaintiff/Counter-Defendant admits the allegations in paragraph 2 of First Citizens Counterclaim.

3. Plaintiff/Counter-Defendant admits the allegations in paragraph 3 of First Citizens Counterclaim.

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4. Plaintiff/Counter-Defendant agrees that an actual controversy exists between DataTreasury and First Citizens because DataTreasury has sued First Citizens as alleged in paragraph 4 of First Citizens Counterclaim.

5. Plaintiff/Counter-Defendant denies the allegations in paragraph 5 of First Citizens Counterclaim.

6. Plaintiff/Counter-Defendant denies the allegations in paragraph 6 of First Citizens Counterclaim.

7. Plaintiff/Counter-Defendant denies the allegations in paragraph 7 of First Citizens Counterclaim.

8. Plaintiff/Counter-Defendant denies the allegations in paragraph 8 of First Citizens Counterclaim.

9. Plaintiff/Counter-Defendant denies the allegations in paragraph 9 of First Citizens Counterclaim.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendants/Counter-Plaintiffs as follows:

A. For judgment dismissing the counterclaims with prejudice;

B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;

C. An award of the costs of this action; and

D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,

____________/S/_____________________

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record, via CM/ECF, on the 31st day of January, 2007.

___________/S/______________________
Edward Lewis von Hohn